

Message Text

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53

ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

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EUR/CAN - D.KRUSE

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

UNCLAS STATE 194096

E.O. 11652: N/A

TAGS: EAIR, CA

SUBJECT: CIVAIR - DISSATISFACTION WITH CP AIR YOUTH
STANDBY/FAMILY FARES

1. EMBASSY IS REQUESTED TO DELIVER TO EXTAFF NOTE EXPRESS-
ING DISSATISFACTION WITH FAMILY/YOUTH STANDBY FARES FILED
BY CP AIR ON ROUTES BETWEEN VARIOUS INTERIOR CANADIAN
POINTS AND HONOLULU. TEXT ALONG LINES OF PARA 2 SUGGESTED:

2. " ... AND HAS THE HONOR TO REFER TO THE FAMILY/YOUTH
STANDBY FARES, FROM VARIOUS CANADIAN POINTS TO HONOLULU,
FILED BY CP AIR ON JULY 16, 1976 FOR EFFECTIVENESS ON
SEPTEMBER 1, 1976. THE PROPOSED FARES ARE DESCRIBED IN
LOCAL PASSENGER FARES TARIFF NO. EF-1, CAB, NO. 258, FIFTH
REVISED PAGE 76 AND NINTH REVISED PAGES 77 AND 78 ISSUED BY
THE AIRLINE TARIFF PUBLISHING COMPANY.

"THE EMBASSY OF THE UNITED STATES WISHES TO INFORM THE
MINISTRY OF EXTERNAL AFFAIRS THAT PURSUANT TO ARTICLE XIII,
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PARAGRAPH (E) OF THE AIR TRANSPORT AGREEMENT BETWEEN THE

GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA, THE UNITED STATES GOVERNMENT WISHES TO EXPRESS ITS DISSATISFACTION WITH THE PROPOSED FARES.

"(COMPLIMENTARY CLOSE)".

3. EMBASSY MAY EXPLAIN TO APPROPRIATE CANADIAN OFFICIALS THAT CAB HAS DIFFICULTY WITH PROPOSED FARES BECAUSE THEY ARE UNJUSTLY DISCRIMINATORY WHEN TESTED AGAINST CRITERIA ADOPTED BY CAB IN PHASE 5 OF THE DOMESTIC PASSENGER FARE INVESTIGATION (DPFI), DOCKET 21866-5. IN THAT DECISION CAB REPEATED FINDING OF US COURTS THAT "THE RULE OF EQUALITY IS THE VERY CORE AND ESSENCE OF THE FARE STRUCTURE IN THE TRANSPORTATION INDUSTRY, AND IT SHOULD NOT BE RENDERED A MEANINGLESS PHRASE BY THE USE OF SPURIOUS JUSTIFICATIONS FOR UNJUSTLY DISCRIMINATORY RATES." CAB ALSO FOUND THAT FACTORS RELATED TO THE STATUS OF THE TRAVELERS AND UNRELATED TO ACTUAL TRANSPORTATION MAY NOT BE CONSIDERED IN JUSTIFICATION OF A DISCRIMINATORY FARE. ACCORDINGLY, SPECIAL FARES FOR YOUTHS AND FAMILIES HAVE BEEN FOUND ILLEGAL BY CAB AND US COURTS. HABIB

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